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EXHIBIT 1

1 of 26 DOCUMENTS

SPRINT TELEPHONY PCS, L.P., a Delaware limited partnership, Plaintiff-Appellant-Cross-Appellee, and PACIFIC BELL WIRELESS LLC, a Nevada limited liability company, dba Cingular Wireless, Plaintiff, v. COUNTY OF SAN DIEGO; GREG COX, in his capacity as supervisor of the County of San Diego; DIANNE JACOB, in her capacity as supervisor of the County of San Diego; PAM SLATER, in her capacity as supervisor of the County of San Diego; RON ROBERTS, in his capacity as supervisor of the County of San Diego; BILL HORN, in his capacity as supervisor of the County of San Diego, Defendants-Appellees-Cross-Appellants.

Nos. 05-56076, 05-56435

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

2008 U.S. App. LEXIS 10421

May 14, 2008, Filed

PRIOR HISTORY: [*1]

D.C. No. CV-03-1398-BTM.
Sprint Telephony PCS, L.P. v. County of San Diego, 479 F.3d 1061, 2007 U.S. App. LEXIS 5753 (9th Cir. Cal., 2007)

COUNSEL: For Sprint Telephony PCS, L.P., Plaintiff-Appellant: Daniel T. Pascucci; Nathan R. Hamler.

For County of San Diego, Defendant-Appellee: Thomas D. Bunton; John Sansome.

For Greg Cox, Defendant-Appellee: Thomas D. Bunton; John Sansome.

For Dianne Jacob, Defendant-Appellee: Thomas D. Bunton; John Sansome.

For Pam Slater, Defendant-Appellee: Thomas D. Bunton; John Sansome.

For Ron Roberts, Defendant-Appellee: John Sansome; Thomas D. Bunton.

For Bill Horn, Defendant-Appellee: Thomas D. Bunton; John Sansome.

For California State Association of Counties, Amicus Curiae: Lizanne Reynolds.

For The League of California Cities, Amicus Curiae: Lizanne Reynolds.

For International Municipal Lawyers Association, Amicus Curiae: Lizanne Reynolds.

For T-Mobile USA, Inc. and PCIA, The Wireless Infrastructure Association, Amicus Curiae: Chung-Han Lee.

For NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION OF COUNTIES, INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION, NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND ADVISORS, LEAGUE OF CALIFORNIA CITIES, NEW JERSEY STATE LEAGUE OF MUNICIPALITIES, Amicus Curiae: William K. Sanders.

JUDGES: KOZINSKI, Chief Judge.

OPINION BY: KOZINSKI

OPINION

ORDER

KOZINSKI, Chief Judge:

Upon [*2] the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to *Circuit Rule 35-3*. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.¹

1 Judges McKeown and M. Smith are recused.